

SECTION 00490

ADDENDUM NO. 3

This Addendum modifies, amends, and supplements designated parts of the Bidding Documents and are hereby made a part thereof by reference. It shall be the responsibility of each Bidder to be familiar with the contents of this addendum and to notify, if necessary any Subcontractors and Suppliers they propose to use for various parts of the services of any changes or modifications contained in this Addendum. No claims for compensation, due to lack of knowledge of the contents hereof, will be considered. Bidders must acknowledge receipt of this Addendum in the Bid Form and comply with the requirements for submission of Bids as set forth in the Bidding Documents.

REMINDER: Per Addendum No. 2, the deadline to submit bids is May 15th, 2014 at 10:00 AM prevailing local time.

The answers below are provided in response to questions and comments submitted by prospective Bidders.

Only one company has the distributorship for Metron Farnier in this region, Mass Installation. The design of this bid spec gives Mass Installation an unfair advantage in bidding because of this relationship.

Response: Per Addendum No. 2, all Bidders shall contact the manufacturer directly for pricing. Metron Farnier has agreed to provide equal pricing to all Bidders with qualified credit. Bidders shall submit meter pricing from the manufacturer as part of the Bid. See replacement page for Section 00210 made part of this Addendum No. 3.

NOTICE is hereby given that the Bidding Documents have been modified and replacement pages are issued herewith.

Replacement pages have an Issue Date of **May 9, 2014**, contain reference to "ADDENDUM NO. 3" in the footer, and text changes identified by double-underline for additions and ~~Strikeout~~ for deletions.

Replacement pages (with text changes)	Provided for purposes of double-sided printing only - no changes (front or back of replacement page)
00210-1 and 2	

This Addendum is provided to Bidders in a single Portable Document Format (.PDF) posted on the City's website and will be available for examination at the Issuing Office. It is each Bidder's responsibility to check the website for Addenda per the Instructions to Bidders.

Bidders must comply with the requirements for submission of Bids in the Instructions to Bidders and the Bidding Documents remain unchanged except as indicated above.

Prepared and Issued by Woodard & Curran (Engineer) on behalf of:
City of Marlborough, MA (Owner)
Department of Public Works

END OF SECTION

SECTION 00210

SUPPLEMENTARY INSTRUCTIONS TO BIDDERS

The following supplement shall modify the Instructions to Bidders pursuant to Article 27 therein. This section does not represent or reflect all applicable Laws and Regulations and may only include excerpts, portions, and para-phrasing of certain Laws and Regulations. Bidders are solely responsible to determine, obtain, review and interpret the full text of applicable Laws and Regulations.

1.01 Supplements and Modifications to the Instructions to Bidders

Add the following to Article 3 – Qualifications of Bidders.

- 3.03 The Owner may reject any Bid where Bidder's reference projects listed in Section 00451 have water meters with a demonstrated failure rate of 5 percent or greater during the first year of use. "Failure" shall be deemed to be any meter stoppage, failure to record, under-register, or over-register. In determining the failure rate of any meter, the Owner may consider its own experience with specific meters in lieu of any reference supplied by the Bidder, or both.

Add the following to Article 12 – Subcontractors, Suppliers and Others

- 12.05 Bidders must obtain pricing for proprietary meters directly from the manufacturer, Metron Farnier, by contacting Nisveta Karajkovic, Distribution Manager at (303) 449-8833 (phone), 303-449-1464 (fax) or nisvetak@metronfarnier.com. Bidders shall submit meter pricing from the manufacturer as part of the Bid.

1.02 Applicable Laws for Bid and Award; General

- A. This Contract is being bid under the provisions of Massachusetts General Law (MGL) Chapter 30, Section 39M, *Contracts for construction and materials; manner of awarding.*

1.03 Additional Defined Terms

- A. *Bid security* – Also "bid deposit" as used in MGL Chapter 30, Section 39M.
- B. *Lowest Responsible and Eligible Bidder* – the Successful Bidder, whose Bid is the lowest of those Bidders possessing the skill, ability and integrity necessary for the faithful performance of the Work; who shall certify its ability to furnish labor that can work in harmony with all other elements of labor employed or to be employed in the Work; who shall certify that all employees to be employed at the Work Site will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employee begins Work, and who shall furnish documentation of successful completion of said course with the

first certified payroll report for each employee (if awarded a Contract); and who obtains within 10 days of the Notice of Award, the bonds required by the Standard General and Supplementary Conditions and the Additional Supplementary Conditions (consistent with the security by bond required under MGL Chapter 149 Section 29), provided that for the purposes of this Section the term “security by bond” shall mean the bond of a surety company qualified to do business under the laws of the Commonwealth and satisfactory to the Owner and if there is more than 1 surety company, the surety companies shall be jointly and severally liable, in accordance with the provisions of Chapter 30, Section 39M.

1.04 Other Requirements of the MGL Applicable to the Project

- A. **Foreign Corporations:** The provisions of MGL Chapter 30, Section 39L, *Public construction work by foreign corporations; restrictions and reports*, apply to this Project. If a Bidder is a foreign corporation, it shall provide with its Bid, a certificate of the state secretary stating that the corporation has complied with requirements of Section 15.03 of subdivision A of Part 15 of MGL Chapter 156D and the date of compliance, and further has filed all annual reports required by Section 16.22 of subdivision B of Part 16 of said Chapter 156D, and further, will provide such certificate for each Subcontractor that is a foreign corporation if it receives a Notice of Award. See Section 00450 of the Bidding Requirements.
- B. **Taxes:** Bidder shall submit with its Bid, a Certificate of Good Standing with respect to all returns due and taxes from the Commonwealth of Massachusetts Department of Revenue certifying Bidder has complied with all laws relating to taxes, reporting of employees and contractors, and withholding and remitting of child support. Bidder will provide such certificate for each Subcontractor if it receives a Notice of Award. See explanation at the end of this Section.
- C. **Debarment:** Bidders shall not be debarred from bidding on or entering into a public contract in the Commonwealth of Massachusetts under the provisions of MGL Chapter 29, Section 29F, *Debarment from bidding; definitions; lists; notice; affiliates; mitigating circumstances*, or any other applicable debarment provisions of any other chapter of the MGL or any rule or regulations promulgated thereunder.
- D. **Financial Statements:** If Bidder receives a Notice of Award, the following shall be submitted prior to execution of the Agreement in accordance with MGL Chapter 30, Section 39R *Definitions; contract provisions; management and financial statements; enforcement*.
- A statement by management on internal accounting controls;
 - A statement prepared by an independent certified public accountant regarding management’s statement; and
 - An audited financial statement for the most recent completed fiscal year.